IN THE HIGH COURT OF JUDICATURE AT BOBBY

O.O.C.J.

NOTICE OF MOTION NO. 339 OF 2006
IN
WRIT PETITION NO. 330 OF 2006

Anand Nursing Home,
Dr. Omprakash B. Soniminde. ... Petitioner.

V/s.

Shri Mahadev Gaikawad
C/o. Akhil Bharatiya General Kamgar Union. ...Respondent.

Ms. Tejas Deshpande for the Petitioner.

Mr. Rajesh Gehani for the Respondent.

.....

CORAM : DR. D.Y. CHANDRACHUD,J.

6TH OCTOBER,2006.

P.C. :

1. In paragraph 22 of the Judgment of the Labour Court dated 3rd September 2005, there is a specific finding that the first Respondent had worked as a ward boy for a period of 15 years. On 27th February 2006, the statement was made on behalf of the Petitioner that the Petitioner is ready and willing to reinstate the Respondent without prejudice to the rights and contentions in the Petition. The grievance of the Respondent is that he had not been re-instated as a ward boy and he is being asked to do the work of sweeping and cleaning the toilets.

2. Counsel appearing on behalf of the Petitioner contests the correctness of the statement that the Respondent has been directed to clean and sweep the toilets. However, in order to obviate any controversy, Counsel appearing on behalf of the Petitioner states that the re-instatement of the Respondent pending disposal of the Petition and subject to the rights and contentions of the Petitioner therein will be as a ward boy and that the Respondent will not be required to do the work of cleaning and sweeping the toilets.

3. In view of the aforesaid statement, Counsel appearing on behalf of the Respondent states that no further directions are sought in the Notice of Motion.

The Motion is accordingly disposed of.